

4685
BILL NO. Z-79-11-14

ZONING MAP ORDINANCE NO. Z-Withdrawn

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-18.

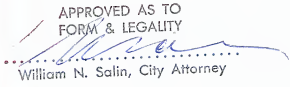
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. S-18, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lot Number Twenty-five (25) in Glenwood Park, an Addition to the City of Fort Wayne, Allen County, Indiana, the plat of which is recorded in Plat Book 23 Page 1, Excepting therefrom the following:
Beginning at the Northwest corner of said lot; thence North 87 degrees 41 minutes East, 28.1 feet along the North line of said lot, said line being also the South Boundary of Vance Avenue; thence South 15 degrees 15 minutes East, 110.7 feet to the Southwestern line of said lot 25, said lot line being also Northeastern boundary of U.S. R. 30; thence Northwesterly 120.2 feet along an arc to the left and having a radius of 2,939.8 feet and subtended by a long chord having a bearing on North 28 degrees 25 minutes west, and length of 120.1 feet along said lot line and boundary to the point of beginning and containing 1,469 square feet, more or less.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.


Councilman

APPROVED AS TO
FORM & LEGALITY

William N. Salin, City Attorney

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

Westerman

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. _____
on the _____ day of _____, 19_____.
ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19_____, at the hour of
_____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of
19_____, at the hour of _____ o'clock _____ M., E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

Read the first time in full and on motion by Nuckols, seconded by

Hunga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 11-13-79

Charles H. Hinton
CITY CLERK

Read the third time in full and on motion by _____,

seconded by _____, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19____.
ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

Z-79-11-14
BILL NO. _____

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE am amending the City of Fort Wayne Zoning Map No. S-18

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE WITHDRAWN PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

9-23-80
DATE _____ CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-11-14; and,

WHEREAS, the proposed ordinance has been requested WITHDRAWN by the City Plan Commission because private restrictions prohibit all but residential uses on the property involved;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 3, 1980.

Certified and signed this
3rd day of September 1980.

Tu. Joyce Schlatter

Joyce Schlatter
Secretary

RECEIPT

Date Oct 8 1979 No. **10865**

Received From Thomas Wells & Evelyn Wells

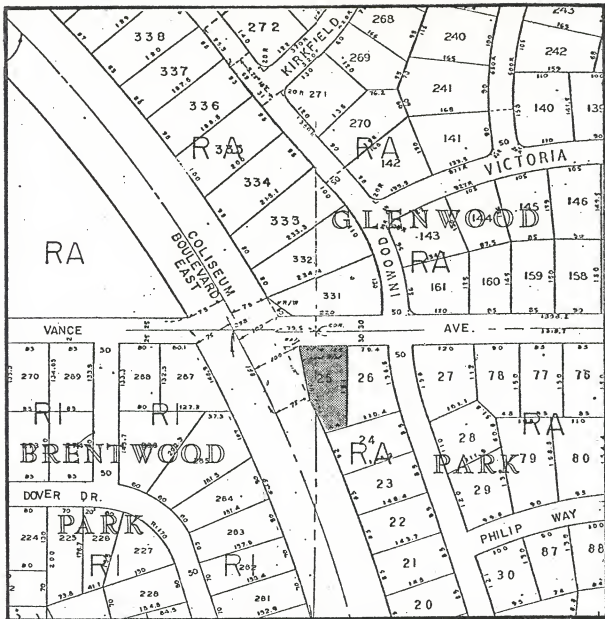
Address Box 5203, Ft Wayne, Ind

Fifty Dollars Dollars \$ 50.00

For Returning Library Fees

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT	<u>50</u>	<u>00</u>	CASH		
AMT. PAID	<u>50</u>	<u>00</u>	CHECK	<u>\$ 70.00</u>	<u>20.00</u>
BALANCE DUE	<u>—</u>		MONEY ORDER		

By Larry Dutton



RECLASSIFY ZONING FROM RA TO R3

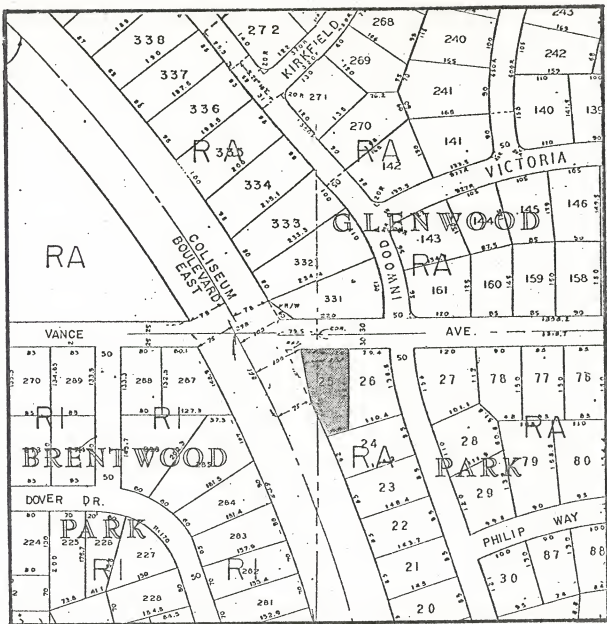
BILL NO.

MAP NO. S-18

10-8-79

Z-79-11-14





RECLASSIFY ZONING FROM RA TO R3

BILL NO.

MAP NO. S-18

10-8-79





THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

November 15, 1979

Mr. Mark Wells
Apt. TH 24
6408 Covington Road
Ft. Wayne, Indiana 46804

Re: Rezoning request for: lot #25 of Glenwood Park Addition.

Dear Mr. Wells:

We have received a request from Thomas Wells and Evelyn Wells to rezone lot number 25 of Glenwood Park from "RA" to "R-3". The Glenwood Park Subdivision plat contains private restrictions which read as follows:

"1. Land Use and Building Type: No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling and a private garage for not more than two cars."

The City Zoning Ordinance in reference to plat restrictions states:

"Section 31. When Other Provisions More Restrictive. Whenever the provisions of any statute or of any other chapter of this Code or of any other ordinance of this city, or any restriction or limitation established by plat or deed or otherwise running with the land, is more restrictive or imposes higher standards than are required by this chapter, the provisions of such statute, chapter, ordinance, plat deed, restriction or limitation shall govern."

It is our opinion that any action taken by the City of Fort Wayne regarding your rezoning request will be superceded by the private restrictions which are more restrictive than the "R-3" zoning district permits.

Sincerely,

Gary Baeten
Gary Baeten
Senior Planner

cc: file

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

I/We Thomas Wells and Evelyn Wells
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an R-3 District the property described as follows:

Lot Number Twenty-five (25) in Glenwood Park, an Addition to the City of Fort Wayne, Allen County, Indiana, the plat of which is recorded in Plat Book 23 Page 1, Excepting therefrom the following:

Beginning at the Northwest corner of said lot; thence North 87 degrees 41 minutes East, 28.1 feet along the North line of said lot, said line being also the South Boundary of Vance Avenue; thence South 15 degrees 15 minutes (Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Thomas Wells</u>	<u>Box 5303</u>	<u>Thomas Wells</u>
	<u>Ft. Wayne, IN 46805</u>	
<u>Evelyn Wells</u>	<u>Box 5303</u>	<u>Evelyn Wells</u>
	<u>Ft. Wayne, IN 46805</u>	
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Mark Wells</u>	<u>Apt. TH 24; 6408 Covington</u>	<u>432-7293</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

East, 110.7 feet to the Southwestern line of said lot 25, said lot line being
also Northeastern boundary of U. S. R. 30; thence Northwesterly 120.2 feet
along an arc to the left and having a radius of 2,939.8 feet and subtended by
a long chord having a bearing on North 28 degrees 25 minutes west, and length
of 120.1 feet along said lot line and boundary to the point of beginning and
containing 1,469 square feet, more or less.

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

3 September 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment.

1. Bill No. Z-79-11-14

This ordinance is being returned to Council to be WITHDRAWN because of the fact that the private restrictions on the property prohibit all but residential uses. The petitioner wished to rezone from an R-A to an R-3 and request a variance from the Board of Zoning Appeals for office uses.

NOTE: Attached is a letter sent to the petitioner explaining this situation. The letter was sent by registered mail.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

4685

DIGEST SHEET

Admn. Appr. _____

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-79-11-14

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Lot #25 in Glenwood Park Addition.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential.

Property will become R-3 - Multiple Family Residential.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____